

## REMARKS

Claims 1-21 are pending in the application and have been rejected. New claim 22 has been added and is a combination of claim 21 and subject matter of paragraph [0043].

The drawings have been objected to under 37 CFR §1.83(a) as the Examiner states they fail to show the engine control mechanism as described in the specification.

In view of the Examiner's objection, new Fig. 5 has been added to the application as set forth herein. New Fig. 5 is based upon Fig. 1 and the description set forth in at least paragraph 19 and original claim 8 which defines that the variable control mechanism comprises an engine control mechanism. Accordingly, no new matter has been added. Approval of the drawing and paragraphs added to the specification to describe the drawing is earnestly solicited.

Claims 1-21 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner states regarding claims 1 and 21 that the grease reservoir permanently connected by a lubricating line to the closing hook is not described in the originally filed specification. The Examiner further states that the fact that the grease reservoir is a grease cartridge would imply that the grease reservoir is not permanently connected.

It is believed that this objection has been rendered moot by the deletion of "permanently" in the rejected claims.

Claims 9, 10 and 20 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. With respect to claims 9 and 20, the Examiner states that the variable control mechanism 11 does not comprise a valve control mechanism 12 and appear to be separate entities.

The Applicants respectfully disagree with the Examiner's view that the variable control mechanism does not comprise a valve control mechanism. The fact that Fig. 1 shows the variable control mechanism 11 and the valve control mechanism 12 not being located in a common housing cannot lead to the conclusion that both components do not belong to a common system. Please see paragraph [0018] to [0020] of the description that defines the variable control mechanism interacting either with the engine control

mechanism, see paragraph [0019], or variable control mechanism, see paragraph [0020]. Accordingly, it is respectfully submitted that claims 9 and 20 are not indefinite.

Claims 1-4, 14, 15 and 17-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockinger Spezialfabrik fur Anhaengen Kupplungen GmbH & Co., DE 94 01 718 in view of Heinzel, DE 43 04 857, and Elyakim, U.S. Patent 4,477,100. Claims 5-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockinger, DE 94 01 718, in view of Heinzel, DE 43 04 857, and Elyakim, U.S. Patent 4,477,100 and further in view of Oloman et al., U.S. Patent 5,968,325. Claims 11-13 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockinger, DE 94 01 718, in view of Heinzel, DE 43 04 857, and Elyakim, U.S. Patent 4,477,100 and Oloman et al., U.S. Patent 5,968,325, further in view of Schedratl et al., U.S. patent 5,438,881. Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockinger, DE 94 01 718, in view of Heinzel, DE 43 04 857, and Elyakim, U.S. Patent 4,477,100 and further in view of Sedlatschek et al. U.S. Patent 3,844,729. Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rockinger, DE 94 01 718, in view of Heinzel, DE 43 04 857, and Elyakim, U.S. Patent 4,477,100 and Schneider, DE 41 10 893.

It is respectfully submitted that the Examiner has not presented a *prima facie* case of obviousness, and the cited references do not include a scope and content that render the inventions set forth in the claims obvious. The Examiner states that Rockinger does not disclose that the closing hook is provided with a permanent coating configured as a sliding coating. It is further respectfully submitted that Rockinger lacks the grease reservoir being solely connected to the closing hook.

Rockinger discloses different lubricating systems in Figs. 9-12 and the corresponding paragraphs in the description starting on page 29, first paragraph, and continuing until page 30, third paragraph.

Fig. 9 of Rockinger shows several grease openings 59 in the fifth wheel plate, a single opening 60 located at hinge bolt 53a and openings 59 located in the peripheral flange 52b provided for the adjustment of grease nipples. Fig. 10 shows a partly completed lubricating system, wherein opening 60 is connected via line 65 with a grease nipple 67 and the other grease openings 59 are not yet connected with the respective grease nipple 67. Finally, Fig. 11 shows a completed connection with several lines 69

running from each grease nipple 67 to the respective grease openings 59. None of Figs. 9-11 disclose a grease reservoir at all. Rockinger teaches connecting a grease gun by hand to each grease nipple and providing the fifth wheel with grease one after the other. Therefore, the grease reservoir is not connected solely to the closing hook, but serially during the lubricating procedure to several greasing points.

It is respectfully submitted that the Examiner is incorrect with the statement that the lubricating line 65 is connected solely to the closing hook. As mentioned above, the lubricating line 65 ends at the hinge bolt 53a having its own greasing point 60 and is explicitly not connected with the closing hook. The closing hook according to Rockinger is a conventional closing hook without any specific features!

Fig. 12 of Rockinger shows a preferred embodiment comprising a central greasing system, not shown, and a distribution block 70. Several lubricating lines run from said distribution block to the respective grease openings 59, 60 located in the fifth wheel plate and in the hinge bolt 53a. Accordingly, as shown and described the reservoir is not solely connected to the closing hook as set forth in independent claim 1.

Applicant's features of the closing hook comprising a permanent coating as a sliding coating and the grease reservoir being solely connected to the closing hook that differ from Rockinger lead to the synergistic effect that the grease reservoir/grease cartridge can be made small enough to fit under the fifth wheel. In view of Rockinger, a skilled person would avoid placing additional devices, e.g. the grease cartridge in the narrow area underneath the fifth wheel due to the lack of space and the risk of demolition through the tilting of the fifth wheel plate.

The additionally cited references of Hienzel and Elyakim also do not disclose a grease reservoir being solely connected to the closing hook. Accordingly, the cited references do not render independent claim 1 or the claims dependent thereon obvious.

With respect to claim 16, the Examiner states that Rockinger, Hienzel, Riskedal and Elyakim do not disclose that the first layer comprises an iron alloy with nickel and molybdenum fraction.

Even if the skilled person would consider Sedlatschek, he would not arrive at the first layer according to claim 16. Sedlatschek fails to teach a two layer system at all and explains that the coating elements have to be sprayed onto the metal substrate with the

matrix metal in the molten state, see claim 14 and wherein powdered coating components are separately charged to separate plasma guns for simultaneous deposition on the metal substrate, see claim 16. Obviously, one of ordinary skill in the art is instructed to use a single-layer wear-resistant surface. Additionally, it is not clear why and how one of ordinary skill would combine the teachings of Sedlatschek with Heinzel as Sedlatschek also discloses a PTFE component. One of ordinary skill in the art would be led to arrange the single-layer according to Sedlatschek as a modified second/top layer onto the first layer mentioned by Heinzel. By doing this, he would not arrive at the features set forth in claim 16.

With respect to claim 21, the examiner states that Rockinger, Heinzel and Elyakim do not disclose a system wherein the closing hook comprises a lubricating channel expiring on a contact surface adjacent to a king pin but that Schneider discloses the same with the word "adjacent" not requiring absolute contact but requires relatively close position. It is respectfully submitted that this is unimportant with respect to Schneider and the lubricating channel disclosed therein having reference numeral 20e. As illustrated in Figs. 4 and 6, the Schneider lubricating channel does not expire on a surface of a closing hook at all, especially not on the top horizontal surface on 18, but runs inside "schwenkbolzen 20" (pivoting bolt) through the entire closing hook and from there into "Verschleissring 24" (wearing ring). Consequently, the known lubricating channel according to Schneider expires instead of on the closing hook on the end of pivoting bolt 20, see Figs. 4 and 6, which is surrounded by the wearing ring 24.

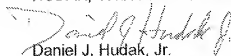
New independent claim 22 has been added to further define the invention. As set forth in at least paragraph [0043] of the substitute specification, the closing hook comprises a lubricating channel running in a radial direction and expiring on a contact surface adjacent to a king pin. The cited references cannot teach or suggest the same.

It is respectfully submitted that the rejections have been overcome and the claims are in condition for allowance. A notice of allowance is earnestly solicited.

Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned is greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. LPA



Daniel J. Hudak, Jr.  
Registration No. 47,669

DJHjr/dp  
2020 Front St., Suite 307  
Cuyahoga Falls, OH 44221  
330-535-2220  
Attorney Docket No.: FMW-CT-PCT-US (J 1201 US)